18.8.06 Sub-engineer 13.08.4 E+P — SINGLE BENCH (3)

P.R. No. 4761/06
Presented by Shri V. A. Sharvadhan
dated 28/8/06

C.D. 1001 — (5) 11.10.4 4.7.06 E+P3 P4

IN THE HIGH COURT OF JUDICATURE AT BILASPUR CHHATTISGARH

W.P. (S) NO. 4717 /2006

PETITIONER : D.N. Shukla, Aged about 43 years, R/o. Rajaram Shukla, R/o. Qtr. No.3, New Irrigation Colony, Champa, District Janjgir Champa (C.G.)

VERSUS

RESPONDENTS :

1] State of Chhattisgarh, Through: Secretary, Water Resources Department, Mantralaya, D.K.S. Bhawan, Raipur, District Raipur (CG)

RECEIVED-COPY Rina 28/08/06 CLERK to A. G. BILASPUR

2] Engineer-in-Chief, Water Resources Department, Sinhawa Bhawan, Raipur (Chhattisgarh)

26/8/06

3] Chief-Engineer, Minimata, Hasdeo Bango Pariyojana, Bilaspur, District Bilaspur (Chhattisgarh)

4] Executive Engineer, Minimata Bango Dem Division No.2, Champa, District Janjgir-Champa (Chhattisgarh)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(66)

मामला क्रमांक ..WP.4717/06... **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

1.9.2006

Mr. Manoj Paranjpe, Advocate for the petitioner.

Miss Deepali Pandey, P.L. for respondent No.1 to 4 on advance copy.

Heard.

By the instant petition the petitioner has challenged his transfer order dated 18.8.2006 whereby he has been transferred from the office of Sub Divisional Officer, Minimata Bango Dam, Sub Division No.13, Champa to the office of Executive Engineer, Water Resources Department, Surajpur, District Sarguja

The main ground of challenge is that the petitioner has been transferred within a short span of two years, against the transfer policy framed by the State Government for the year 2006-07 without there being any administrative exigency. Another ground is that the old age parents of the petitioner are taking treatment at Champa, who are suffering from old age diseases and if the petitioner has been forced to join at the transferred place, then there will be no male member in the petitioner's family to look after them. Moreover, the petitioner's son is studying in 5th class at Champa and if the impugned order is allowed to be executed, then the whole family of the petitioner will be disturbed.

In the circumstances, learned counsel for the petitioner submitted that the petitioner may be allowed to make a detailed representation to respondent No.1 and in turn, he be directed to decide the same, to which learned Panel Lawyer for the State has no objection.

Having heard learned counsel for the parties and having regard to the facts and circumstances of the case, prayer made by learned counsel for the

P.T.O.

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(67)

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

petitioner is just, fair and reasonable, therefore, without expressing any opinion on the merit of the case, the petitioner is allowed to make a detailed representation along with copy of this petition raising all his grievances to respondent No.1 within 10 days from today and in turn, respondent No.1 is directed to decide the representation of the petitioner in accordance with law within a period of 30 days from the date of receipt of representation after considering all the grievances raised by the petitioner.

With the direction aforesaid, the petition stands disposed of.

Consequently, M.(W.)P. No.3645/06 & I.A. No.8668/06 also stands disposed of.

Certified copy as per rules.

Sd/-
L.C.Bhadoo
Judge

P.T.O.